

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-20323
Honorable Victoria A. Roberts

JAMES MCDOUGLE,

Defendant.

_____ /

ORDER

On October 17, 2019, Defendant James McDougale filed a Request for Substitution of Counsel [ECF. No. 23]. The Court issued an Order granting that request [ECF. No. 24] and required the Federal Community Defender Office to appoint new counsel [ECF. No. 25]. On November 8, 2019, Mr. McDougale filed a letter [ECF. No. 26] indicating that he wanted to keep David Tholen as his attorney.

Accordingly, the Court **RESCINDS** its Orders [ECF Nos. 24 and 25]. David Tholen will continue to represent Mr. McDougale.

Also, on October 17, 2019, Mr. McDougale filed a Request for Bond [ECF. No. 22]. The Court **STRIKES** Mr. McDougale's request. Federal law permits a criminal defendant to appear "personally or by counsel." 28 U.S.C. §1654. This is "disjunctive; a party may either represent himself or appear through an attorney." *Hall v Dorsey*, 534 F. Supp. 507, 508 (E.D. Pa 1982).

There is no right, constitutional or otherwise, to “hybrid representation - the representation at the same time by counsel and *pro se*.” *United States v Trapnell*, 638 F. 2d 1016, 1027 (7th Cir. 1980). Therefore, as part of the latitude accorded district courts managing their dockets, courts may bar *pro se* filings by represented parties. *United States v Agofsky*, 20 F. 3d 866, 872 (8th Cir. 1994) (finding no error in the court’s refusal to consider *pro se* motion where defendant was represented by counsel); *United States v Tracy*, 989 F. 2d 1279, 1285 (1st Cir. 1993) (“A district court enjoys wide latitude in managing its docket and can require represented parties to present motions through counsel.”)

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: 11/19/19